

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JASIB HEADLEY,

Petitioner,

vs.

No. 9:07-CV-979
(FJS/GHL)

ROBERT ERCOLE, Superintendent,

Respondent.

APPEARANCES:

OF COUNSEL

JASIB HEADLEY,
Petitioner Pro Se
#04-B-0768
Green Haven Correctional Facility
PO Box 4000
Stormville, NY 12582

OFFICE OF THE ATTORNEY GENERAL
State of New York
Attorney for Respondent
120 Broadway
New York, New York 10271

Jodi A. Danzig, Esq.
Assistant Attorney General

FREDERICK J. SCULLIN, JR., S.J.

DECISION AND ORDER

Currently before the Court is Magistrate Judge George H. Lowe's Report-Recommendation filed May 28, 2009 to which the parties have filed no objections. Having reviewed that Report and Recommendation and the entire file in this matter, the Court hereby

ORDERS that the Report-Recommendation of Magistrate Judge George H. Lowe filed May 28, 2009 is **ACCEPTED** in its entirety, for the reasons stated therein, and the Court further

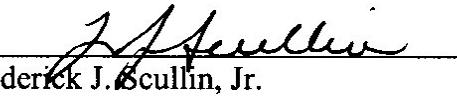
ORDERS that Petitioner shall file a second amended petition **within thirty (30) days** of the filing date of this Order, and the Court further

ORDERS that, if Petitioner fails to file a second amended petition **within thirty (30) days** of the filing date of this Order, the Court will issue an Order directing a response to the amended petition which contains only Petitioner's claims of counsel ineffectiveness, and the Court further

ORDERS that the Clerk shall return to Petitioner the state court records attached to his amended petition and provide Petitioner with a blank § 2254 habeas petition.

IT IS SO ORDERED.

Dated: June 23, 2009
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge